

RENTON CITY COUNCIL  
Regular Meeting

June 12, 2000  
Monday, 7:30 p.m.

Council Chambers  
Municipal Building

MINUTES

**CALL TO ORDER**

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF  
COUNCILMEMBERS**

RANDY CORMAN, Council President; TIMOTHY SCHLITZER; KING PARKER; DON PERSSON; KATHY KEOLKER-WHEELER; DAN CLAWSON; TONI NELSON.

**CITY STAFF IN  
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; JIM SHEPHERD, Community Services Administrator; MIKE WEBBY, Human Resources Administrator; DENNIS CULP, Facilities Director; KAREN MARSHALL, Human Services Manager, DON ERICKSON, Senior Planner; DEREK TODD, Assistant to the CAO; CHIEF GARRY ANDERSON, Police Department.

**PRESS**

Robert Teodosio, *Renton Reporter*

**APPROVAL OF  
COUNCIL MINUTES**

MOVED BY CORMAN, SECONDED BY SCHLITZER, COUNCIL APPROVE THE MINUTES OF JUNE 5, 2000 AS PRESENTED. CARRIED.

**SPECIAL PRESENTATION**  
Human Services: Human  
Services Advisory Committee  
Member Introduction

Karen Marshall, Human Services Manager, introduced Pamela Wilson and Kari Hollandsworth, the newest members of the Human Services Advisory Committee. Ms. Marshall noted that the committee will soon start interviewing the 41 agencies who applied for 2001 Community Development Block Grant funding and General Fund grants, an important annual undertaking.

**PUBLIC HEARING**  
Planning: Card Room Use  
Conditions Amendments

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider amendments to card room use conditions.

Don Erickson, Senior Planner, explained that these amendments respond to the position taken in 1999 by the Washington State Gambling Commission that it, and only it, can regulate the location of card rooms within a jurisdiction allowing such uses. Mr. Erickson said in 1997, Renton restricted new card rooms to the Commercial Arterial (CA), Light Industrial (IL), Medium Industrial (IM), and Heavy Industrial (IH) Zones in areas with the Employment Area-Valley Comprehensive Plan land use designation. Existing card rooms outside of the prescribed area were deemed legal nonconforming uses.

Because the Gambling Commission has stated that cities may not exercise their zoning authority with respect to gambling establishments, Renton faces the possibility that card rooms could be allowed anywhere in the City, even in residential areas. As a precaution, the proposed amendments to Renton's City Code would make existing card rooms nonconforming uses, and would ban new card rooms should any court of competent jurisdiction find that the City zoning regulations for card rooms is unconstitutional or illegal.

Responding to Councilman Parker, City Attorney Lawrence J. Warren said the State Senate declined to take action on this issue this year, although the House of Representatives was willing to look at it.

In response to Councilmember Nelson, Mr. Warren said if one of the current owners of an existing card room sold the establishment, it could continue to operate under the new ownership. Mr. Warren added that he disagrees with the informal opinion issued by the Assistant Attorney General on this subject because the opinion presumes a pre-emption by the State of the cities' rights to zone gambling establishments. However, the law on pre-emption states that the Legislature must have formally pre-empted the area, which it has not done, or they must have so completely occupied the territory that there is no room for any city to legislate.

Councilman Parker commented that the implications of this matter are considerable, in that it could deny cities the ability to zone for these types of uses.

Public comment was invited.

Don Schumsky, 2019 Jones Ave. NE, Renton, 98056, claimed that Renton's refusal to allow him to operate a mini-casino at the location of his restaurant, the All City Diner, was a violation of his civil rights. Adding that he has not been treated fairly, he said he has spent thousands of dollars to obtain a gambling license from the State, only to have the City inform him that his restaurant is not zoned for house-banked card rooms. Mr. Schumsky explained that the State has assumed control of all rules pertaining to gambling statewide to prevent graft on the local level. He did not feel that the Council should have any jurisdiction over his business, and concluded that Renton would benefit from another mini-casino due to increased revenues.

Steve Schumsky, 6806 S. 133rd St., Seattle, 98178, opposed banning new mini-casinos in Renton. Saying that these uses bring at least 100 well-paying jobs to each location and contribute millions of dollars' of revenue to city, state and federal coffers, he said Renton should not allow one company to operate a mini-casino while banning other companies of the same industry. Adding that he construed such a position to be a civil rights violation, he said the only ethical position the City could take would be to either allow mini-casinos to all who wish to operate one, or ban them completely.

Mayor Tanner replied that mini-casinos are not banned in the City of Renton, but rather are allowed in the Employment Area-Valley area.

Councilman Parker recalled the public process which the City undertook to restrict new gambling uses to the Valley area, noting that some cities have banned such uses outright.

Councilman Clawson echoed Mr. Parker, saying he was certain that due process was followed in adopting these zoning restrictions. Mr. Clawson likened this situation to when the City created the Automall area to relocate dealerships out of the downtown. He emphasized that Renton will fight to preserve its right to zone and allow various uses where it sees fit.

Councilmember Keolker-Wheeler added that the City is considering banning all further gambling uses only because the opinion issued by the Assistant Attorney General has forced it into a position of all or nothing. She agreed with Mr. Clawson that the City carefully considers and applies zoning rules and regulations to all types of businesses, and that gambling should be no different.

Responding to Councilmember Nelson, Mayor Tanner replied that the Gambling Commission may never take action on this issue. If, however, Renton was sued

and received an adverse ruling by a court, it could immediately invoke this ordinance to protect itself.

Mr. Schumsky stated he has invested a great deal of money in his current location and cannot afford to relocate it to the Valley area.

Councilman Parker inquired what would happen if Mr. Schumsky did, in fact, obtain a license from the State to operate a mini-casino. Mayor Tanner replied that Mr. Schumsky would not be able to secure the necessary permits from the City to conduct this type of operation at the current location of the All City Diner, as this would violate Renton's zoning regulations.

MOVED BY PARKER, SECONDED BY CLAWSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED. (See page 211 for Planning & Development Committee report on this subject.)

## **ADMINISTRATIVE REPORT**

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2000 and beyond. Items noted included:

- \* The public is invited to join the Mayor and City Council for a special ceremony to dedicate the downtown park, the Piazza, on Thursday, June 15th at 6:30 p.m.
- \* The City is holding a public open house tomorrow, June 13th, to gather input on potential improvements to the I-405/NE 44th St. interchange.
- \* Over 76 tons of recyclable materials and 580 gallons of household hazardous waste were collected on Spring Recycle Day last month.
- \* More than 750 children tried fishing and casting during the annual Kid's Classic Fishing Derby held at Gene Coulon Park on June 3rd.

## **AUDIENCE COMMENT**

Citizen Comment: McKee –  
SR-167 Noise Variance Appeal  
(Committee Report Correction)

Gary McKee, 6431 Corson Ave. S., Seattle, 98178, spoke regarding the Washington State Department of Transportation's request for a noise variance to conduct repaving of SR-167. Mr. McKee thanked Council for granting this request, but noted that the Planning & Development Committee report adopted on this subject last week referred to "S. 2nd Street" when it should have referenced "S. 7th Street."

MOVED BY KEOLKER-WHEELER, SECONDED BY CORMAN, COUNCIL SUSPEND ITS RULE AND ADVANCE TO THE PLANNING & DEVELOPMENT COMMITTEE REPORT ON THIS SUBJECT. CARRIED.

## **Planning & Development Committee**

Transportation: SR-167 Noise  
Variance Appeal (Committee  
Report Correction)

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding the SR-167 Noise Variance Appeal. At the Council meeting on June 5, 2000, the Planning and Development Committee report on this subject was read and adopted by the full Council. Subsequently, it was determined that there was a typographical error on page 2, item 3, of that report. The typographical error had the noise variance of 14 days covering work extending from Grady Way to S. 2nd Street. The reference to S. 2nd Street should be S. 7th Street. There is no pending appeal that would cover the territory between S. 7th Street and S. 2nd Street, and so the variance as initially requested and granted by the Board of Public Works of up to 65 days shall apply to that road section between S. 2nd Street and S. 7th Street. MOVED BY KEOLKER-WHEELER, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

**CONSENT AGENDA**

Items on the consent agenda are adopted by one motion which follows the listing. Council President Corman noted that item 8.a. on the printed agenda has been removed at staff's request.

CRT: 00-009, Winston v  
Renton

Court Case filed by Alison K. Chinn, 157 Yesler Way, Suite 400, Seattle, 98104, representing Kevin R. Winston, alleging an ownership and/or possessory interest in \$1,720 in cash seized by the Renton Police Department, and requesting that the court remove the forfeiture claim by the Renton Police Department and assume jurisdiction over this claim. Refer to City Attorney and Insurance Services.

Finance: Accounting Asst III  
Hire at Step E

Finance & Information Services Department requested authorization to fill a vacant Accounting Assistant III position at Step E of the salary range. Refer to Finance Committee.

Planning: Assisted Living  
Facilities (Possible Zoning  
Code Category)

Economic Development, Neighborhoods and Strategic Planning Department requested direction from Council regarding creating a new use category in the Zoning Code related to Assisted Living Facilities. Refer to Planning & Development Committee.

MOVED BY CORMAN, SECONDED BY SCHLITZER, COUNCIL  
APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

**OLD BUSINESS****Finance Committee**

Finance: New Personnel for  
City Hall 4th Floor Tenant  
Support (Custodial/Maint)

Finance Committee Chair Parker presented a report recommending increasing staff by 1.5 full-time employees in support of leasing activities at City Hall. The salary, benefits, and equipment required by the full-time custodian and the half-time facilities technician will be covered by the rent paid to the City by Iron Mountain, Inc. for leasing the fourth floor of Renton City Hall. The lease will begin on June 15, 2000 and includes one option to renew. MOVED BY PARKER, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance: Vouchers

Finance Committee Chair Parker presented a report recommending approval of Claim Vouchers 182632-183036 and two wire transfers totaling \$2,178,425.09, and Payroll Vouchers 25634-25877 and 518 direct deposits totaling \$1,000,619.67. MOVED BY PARKER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

**Transportation Committee**

Transportation: Trans-Valley  
Study Participation, King  
County, CAG-00-

Transportation Committee Chair Persson presented a report recommending that Council approve the Trans-Valley Study interlocal agreement with King County. This agreement outlines Renton's participation in this multi-jurisdictional study of transportation needs, and commits \$13,000 toward the project. MOVED BY PERSSON, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 212 for resolution.)

**Planning & Development Committee**

Planning: Card Room Use  
Conditions Amendments

Planning & Development Committee Chair Keolker-Wheeler presented a report recommending that Council concur with the recommendation of the City Attorney with regard to a revision in zoning for mini-casinos. The Committee recommended that the City amend Section 4-2-080A, "Conditions Associated with Zoning Use Tables", of Chapter 2, Land Use Districts, of Title IV, Development Regulations, to add language to both Condition #255 and Condition #272, stating that "Should any court of competent jurisdiction find that the City zoning scheme for card rooms is unconstitutional or illegal, then the City elects to permit the existing card rooms to continue operation as non-conforming legal uses and otherwise bans card rooms." The Committee also recommended that

the ordinance regarding this matter be presented for first reading. MOVED BY KEOLKER-WHEELER, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 212 for ordinance.)

Planning: IL Zone Office  
Amendments; CA Zone  
Hotel/Motel Uses

Planning & Development Committee Chair Keolker-Wheeler presented a report regarding office amendments in the Light Industrial (IL) Zone, and a housekeeping amendment to correct a conflict between use tables for hotel and motel uses in the Commercial Arterial (CA) Zone. This Zoning Code amendment was referred to the Committee as part of the 2000 Comprehensive Plan Amendments. The zoning text amendment requires a separate public hearing before the City Council pursuant to Renton Municipal Code 4-8-080H, Type X Land Use Permits. The Committee recommended that the Council set a public hearing for June 26, 2000. MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

#### **Utilities Committee**

Public Works: Wash City &  
County Pipeline Safety  
Consortium

Utilities Committee Chair Clawson presented a report recommending that the City Council approve Renton entering into an interlocal agreement establishing the Washington City and County Pipeline Safety Consortium, and adopt a resolution authorizing this action. MOVED BY CLAWSON, SECONDED BY KEOLKER-WHEELER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

### **ORDINANCES AND RESOLUTIONS**

#### **Resolution #3458**

Transportation: Trans-Valley  
Study Participation, King  
County, CAG-00-

A resolution was read authorizing the Mayor and City Clerk to enter into an interlocal agreement for the Trans-Valley Study. MOVED BY PERSSON, SECONDED BY CLAWSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinance was presented for first reading and referred to the meeting of 6/19/00 for second and final reading:

Franchise: Metromedia Fiber  
Network Services

An ordinance was read granting unto Metromedia Fiber Network Services, Inc., a Delaware corporation, its successors and assigns, the right, privilege, authority and franchise to install fiber optics cable underground together with appurtenances thereto, upon, over, under, along, across the streets, avenues and alleys of the City of Renton for the purpose of installing infrastructure to operate as a broadband digital communication provider and carrier utilizing switching and fiber optic facilities. MOVED BY PERSSON, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 6/19/00. CARRIED.

Legal: Card Room Use  
Conditions Amendments

An ordinance was read amending Section 4-2-080 of Chapter 2, Land Use Districts, of Title IV (Development Regulations) of City Code by banning new card rooms from the City of Renton should a court of competent jurisdiction find that the City Zoning Ordinance is unconstitutional or illegal as it relates to card rooms, and allowing the continuation of existing card rooms as nonconforming legal uses. MOVED BY KEOLKER-WHEELER, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 6/19/00. CARRIED.

### **NEW BUSINESS**

Council: Meeting Cancellations

MOVED BY CORMAN, SECONDED BY PERSSON, COUNCIL CANCEL THE REGULARLY-SCHEDULED COMMITTEE OF THE WHOLE AND

(7/03/00, COW and Regular Meeting)

COUNCIL MEETINGS FOR JULY 3, 2000. CARRIED.

Public Works: Cedar River Park Opening

Councilmen Corman and Schlitzer complimented the City on the landscaping work done at Cedar River Park following completion of the dredging project.

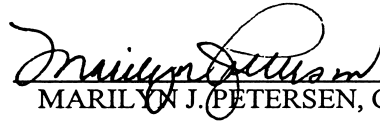
**EXECUTIVE SESSION**

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL RECESS INTO EXECUTIVE SESSION FOR 30 MINUTES TO DISCUSS A PERSONNEL MATTER. CARRIED. Time: 8:29 p.m.

The meeting was reconvened at 9:02 p.m.; roll was called; all Councilmembers present.

**ADJOURNMENT**

MOVED BY CORMAN, SECONDED BY KEOLKER-WHEELER, COUNCIL ADJOURN. CARRIED. Time: 9:03 p.m.



MARILYN J. PETERSEN, CMC, City Clerk

Recorder: Brenda Arline  
June 12, 2000